

## **REMARKS**

Applicants respectfully request consideration of the subject application as amended herein. This Response is submitted in response to the Final Office Action mailed on July 7, 2009, and the Advisory Action dated September 16, 2009. Claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 and 57-61 are rejected. In this Response, claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-36, 38, 57, 59 and 60 have been amended. Claim 7 has been canceled. New claims 62 and 63 have been added. Therefore, claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 and 57-63 are presented for examination.

## **Summary Of Examiner Interview**

Applicants thank the Examiner for granting an Examiner Interview on October 7, 2009. In the Examiner Interview, the claim limitations, “wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system,” “wherein an original version of the checksuite having been applied to two or more previously selected machines having different operating systems,” and “simultaneously applying the edited checksuite to the first machine, which includes the first operating system, and a second machine that includes the second operating system,” were discussed with regard to the cited references. Proposed claim amendments were additionally discussed, which are reflected in the attached claim amendments. The Examiner agreed that the proposed claim amendments will overcome the current rejection. The Examiner stated that a final thorough review of the references in light of the claim amendments would be necessary, after which the rejections would likely be withdrawn.

## **Rejections Under 35 U.S.C. § 103**

Claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 and 57-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moulden, Jr., et al., (U.S. Publication No. 2006/0206870 A1, hereinafter “Moulden”) in view of Caswell, (U.S. Patent No. 5,964,891, hereinafter “Caswell”) and further in view of Jorapur, (U.S. Publication No. 2003/0204784 A1, hereinafter “Jorapur”). As recited below, applicants respectfully submit that the pending claims include multiple limitations that are not taught or suggested by the combination of Moulden, Caswell and Jorapur, and request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

I. Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn because the combination of Moulden, Caswell and Jorapur fail to teach or suggest a checksuite that has been deployed to multiple different operating systems.

Moulden teaches a test management system for managing and interfacing with existing test tools across multiple networked machines. (Moulden, Abstract). Moulden teaches that the test management system can manage tests that execute on different target machines. (Moulden, par. [0045]). However, in Moulden each of the tests is designed to run on the same operating system. Therefore, each of the different target machines in Moulden **runs the same operating system**. For example, Moulden describes two different tests (Virtual User (VU) and Macintosh Application Program Interface Test Tool (MATT)) that can be managed together by the test management system, both of which are provided by Apple Computer, and which execute on versions of a proprietary operating system developed by Apple Computer. (Moulden, par. [0003]). Moulden does not describe any managed tests that run on other operating systems. Nor does Moulden make any mention of managing tests designed for a first operating system and managing tests designed for a different second operating system. Therefore, Moulden fails to teach or suggest a test suite that includes first individual checks that are configured to monitor

parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system. Accordingly, Moulden also fails to teach or suggest a checksuite that has been deployed to two or more previously selected machines having different operating systems.

Caswell teaches a diagnostic system that includes multiple diagnostic modules, each of which is preconfigured to perform one or more particular tests. (Caswell, Abstract). In Caswell, the tests that each diagnostic module is able to perform are predetermined tests designed for a **particular system**. (Caswell, col. 7, lines 21-28). The particular system on which a diagnostic module of Caswell runs includes a single operating system. Caswell fails to teach or suggest a checksuite that includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system. Caswell further fails to teach or suggest a checksuite that has been deployed to two or more previously selected machines having different operating systems.

Jorapur teaches an automatic test generator for testing an application on a computer system in different configurations. (Jorapur, Abstract). These different configurations may vary by provided resources, provided services, provided stability, input values, application modules, configuration settings, data types, and communication parameters. (Jorapur, par. [0011]; Abstract). However, the tests generated by Jorapur test an **application**. Jorapur fails to teach or suggest tests that test operating systems. Accordingly, Jorapur also fails to teach or suggest a checksuite that includes first individual checks that are configured to monitor **parameters of a first operating system** and second individual checks that are configured to monitor **parameters of a second operating system**. Nor does Jorapur teach or suggest a checksuite that has been deployed to two or more previously selected machines having different operating systems.

In contrast to the combination of Moulden, Caswell and Jorapur, claim 1 recites, “the checksuite includes first individual checks that are configured to monitor parameters of a first

operating system and second individual checks that are configured to monitor parameters of a second operating system that is different from the first operating system, and wherein the first checks can monitor the parameters of the first operating system concurrent to the second checks monitoring the parameters of the second operating system,” and “wherein an original version of the checksuite having been deployed to two or more previously selected machines of the computer network, the two or more previously selected machines having different operating systems.”

The Advisory Action mailed 9/16/2009 cites Moulden as teaching the limitations of “wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system that is different from the first operating system.” However, previous Office Actions have stated that Moulden failed to teach checksuites that include checks for different operating systems. For example, the Office Action of 11/16/2007 stated, “Moulden failed to teach the claim limitation wherein the check suite applied to two or more previously selected machines having different operating systems.” (Office Action, 11/16/2007, page 4). Subsequently, the Office Action of 4/29/08 stated that, “Moulden failed to teach the claim limitation wherein the checksuite includes one or more individual checks, each check being configured to monitor a parameter of an operating system or a software, the checksuite applied to two or more previously selected machines having different operating systems.” (Office Action, 4/29/2008, page 15). Again, the Office Action of 10/2/08 stated that, “Moulden failed to teach the claim limitation wherein the checksuite including one or more individual checks, each check being configured to monitor a parameter of an operating system or a software program that runs on an operating system, the checksuite applied to two or more previously selected machines having different operating systems, wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating

system and second individual checks that are configured to monitor parameters of a second operating system.” (Office Action, 10/2/2008, page 3). Therefore, it has already been established in previous communications that Moulden fails to teach a checksuite that “includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system.”

The Advisory Action mailed 9/16/2009 specifically cites Figures 9, 15, 16 and 29, as well as paragraphs [0047], [0053] and [0072] of Moulden as teaching a checksuite that includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system.” These paragraphs state that test suites can be used on particular machines. It appears that the Advisory Action has interpreted Moulden’s description of a particular machine as teaching that a test suite can include checks for two different machines running different operating systems. Applicants respectfully disagree with this interpretation of Moulden, and submit that such an interpretation is inapposite. In Moulden, each particular machine on which a test suite can run is **a version of the same operating system**. As described above, Moulden fails to teach or suggest a test suite that includes tests for multiple different operating systems.

For example, paragraph [0072] of Moulden states in relevant part:

Advantageously, contexts can be specified for suites and test groups. A context is a description of the minimum hardware and software requirements for execution of a test suite. For example, a context can specify that **a particular operating system revision number** and/or a specific amount of random access memory **is/are required execute a particular test suite**.

(emphasis added).

This passage shows that test suites are associated with contexts, which include the operating system on which the tests activated by the test suite can run. In this passage, the context limits the test suite not only to a particular operating system, but to a specific revision

number of that operating system. None of the cited paragraphs of Moulden support the interpretation that a test suite can include tests that run on multiple different operating systems. Accordingly, Moulden fails to teach or suggest, “the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system that is different from the first operating system, and wherein the first individual checks can monitor the parameters of the first operating system concurrent to the second individual checks monitoring the parameters of the second operating system,” or “wherein an original version of the checksuite having been deployed to two or more previously selected machines of the computer network, the two or more previously selected machines having different operating systems.”

For the above reasons, applicants respectfully submit that the combination of Moulden, Caswell and Jorapur fail to teach or suggest all of the limitations of claim 1 or its dependent claims, and request that the rejection be withdrawn.

Claim 17 includes the language, “wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system, and wherein the first individual checks can monitor the parameters of the first operating system concurrent to the second checks monitoring the parameters of the second operating system.” Claim 33 includes the language, “wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system, and wherein the first individual checks can monitor the parameters of the first operating system concurrent to the second individual checks monitoring the parameters of the second operating system.” Claim 57 includes the language, “wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to

monitor parameters of a second operating system, and wherein the first individual checks can monitor the parameters of the first operating system concurrent to the second individual checks monitoring the parameters of the second operating system.” As recited above, the combination of Moulden, Caswell and Jorapur fails to teach or suggest these limitations. Accordingly, applicants respectfully request that the rejection to claims 17, 33 and 57, and their corresponding dependent claims, also be withdrawn.

II. Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn because the combination of Moulden, Caswell and Jorapur fail to teach or suggest simultaneously deploying a checksuite to machines having different operating systems.

As described above, all tests included in test suites in Moulden operate on the same operating system. Moulden fails to teach or suggest a test suite that includes tests that run on different operating systems. Moreover, the test management system of Moulden enables a user to schedule **already available tools** to execute on available machines. (Moulden, par. [0007]; [0009]). In other words, a test suite in Moulden is a routine for running one or more testing tools **which are already installed** on one or multiple machines. (Moulden, par. [0007], [0053]). Moulden fails to teach or suggest that the test management system **deploys (e.g., downloads, installs, activates, etc.)** testing tools. Therefore, Moulden cannot teach that the test management system simultaneously deploys a checksuite that includes multiple checks to a first operating system and to a second operating system that is different from the first operating system.

As described above, Caswell fails to teach or suggest a checksuite that includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system. Therefore, Caswell cannot teach or suggest a diagnostic system that simultaneously

deploys a checksuite to a first machine that runs a first operating system and a second machine that runs a second operating system.

As described above, Jorapur fails to teach or suggest a checksuite that includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system. Therefore, Jorapur also cannot teach or suggest simultaneously deploying a checksuite to a first machine that runs a first operating system and a second machine that runs a second operating system

In contrast to the combination of Moulden, Caswell and Jorapur, claim 1 recites, “simultaneously deploying the edited checksuite to the first machine, which includes the first operating system, and a second machine that includes the second operating system.”

The Advisory Action mailed 9/16/2009 cites Moulden as teaching the limitations of “simultaneously applying the edited checksuite to the first machine, which includes the first operating system, and a second machine that includes the second operating system.” The Advisory Action mailed 9/16/2009 specifically cites paragraphs [0051], [0053], [0058], [0072] and [0098]-[100] of Moulden as teaching simultaneously applying an edited checksuite to a first machine that includes a first operating system and a second machine that includes a second operating system. However, as explained above, Moulden fails to teach or suggest a test suite that includes tests for multiple different operating systems. Moreover, the passages cited by the examiner show that a test suite uses testing tools that are already available on a machine (e.g., that have already been deployed). For Example, paragraph [0053] of Moulden states, “clicking on a particular machine causes **the tools installed on that machine** to be displayed in an available-tools region 730 of the window 700, and clicking on a listed tool highlights the tool so that it can be added or removed from a selected tools region.” (emphasis added). Similarly, paragraph [0099] of Moulden states, “to add test cases to the empty test suite, the user may first

wish to browse the computer network upon which the integrated testing application is running to locate available tool machines and **select available tools** for inclusion in the new test project.” Moulden fails to teach or suggest deploying a checksuite (e.g., downloading and installing checks of a checksuite) to a machine, much less simultaneously deploying a checksuite to a first operating system and to a second operating system that is different from the first operating system.

For the above reasons, applicants respectfully submit that the combination of Moulden, Caswell and Jorapur fail to teach or suggest all of the limitations of claim 1 or its dependent claims, and request that the rejection be withdrawn.

Claim 17 includes the language, “simultaneously deploying the edited checksuite to the first machine, which includes the first operating system, and a second machine that includes the second operating system.” Claim 33 includes the language, “deploying the edited checksuite to the first machine, which includes the first operating system, and to a second machine that includes the second operating system.” Claim 57 includes the language, “to simultaneously deploy the edited checksuite to the first machine, which includes the first operating system, and to a second machine that includes the second operating system.” As recited above, the combination of Moulden, Caswell and Jorapur fails to teach or suggest all of these limitations. Accordingly, applicants respectfully request that the rejection to claims 17, 33 and 57, and their corresponding dependent claims, also be withdrawn.

## **Conclusion**

Applicants respectfully request the withdrawal of the rejections, and submit that as amended the pending claims 1-4, 8-9, 12-14, 17-20, 23-25, 28-30, 33-38 and 57-63 are patentable the presently cited art. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.

## **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 022666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: October 7, 2009

/Benjamin A. Kimes/  
Benjamin A. Kimes  
Registration No. 50,870

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300